



Attorney Docket No. 020431.0732

In re Application of:

LARRY P. MASON

Serial No. 09/675,780

Filed: 28 SEPTEMBER 2000

For: **SYSTEM AND METHOD FOR
TRANSFORMING CUSTOM
CONTENT GENERATION TAGS
ASSOCIATED WITH WEB
PAGES**

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Examiner: **THU HA T. NGUYEN**

Art Unit: 2155

**Confirmation No. 8341**

# TRANSMITTAL

## MAIL STOP: APPEAL BRIEF - PATENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**Please file the following enclosed documents in the subject application:**


1. This Transmittal with Certificate of Mailing and Deposit Account Authorization (in duplicate);
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Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

19 Dec 2005  
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**CUSTOMER NO. 53184**

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Appeal Brief  
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Page 1

This brief is accompanied by a Transmittal authorizing the requisite fee of \$500.00 as set forth in 37 C.F.R. § 41.20(b)(2). In the event that the Transmittal is not enclosed or the authorized amount is incorrect, please charge any required fee to Deposit Account No. 500777. Please credit any excess payment to the same account.

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**REAL PARTY IN INTEREST (§ 41.37(c)(1)(i)):**

The real party in interest in the present Application is i2 Technologies US, Inc., as indicated by:

an Assignment recorded on 28 September 2000, from the inventor to i2 Technologies, Inc., in the Assignment Records of the United States Patent and Trademark Office (the "PTO") at Reel 011168, Frame 0301; and

an Assignment recorded on 30 July 2001, from i2 Technologies, Inc. to i2 Technologies US, Inc., in the Assignment Records of the PTO at Reel 012034, Frame 0965.

**RELATED APPEALS AND INTERFERENCES (§ 41.37(c)(1)(ii)):**

There are no related appeals or declared interferences that will directly affect or be directly affected by a decision by the Board of Patent Appeals and Interferences (the "Board") in the present appeal to the knowledge of the undersigned.

**STATUS OF CLAIMS (§ 41.37(c)(1)(iii)):**

Claims 1, 4-11, 14-21, and 24-29 are pending in the present Application. The status of the pending claims is as follows:

|                       |                              |
|-----------------------|------------------------------|
| Rejected:             | 1, 4-11, 14-21, and 24-29    |
| Allowed or confirmed: | None                         |
| Withdrawn:            | None                         |
| Objected to:          | None                         |
| Canceled:             | 2, 3, 12, 13, 22, 23, and 30 |

Appellants hereby appeal the Examiner's final rejection of claims 1, 4-11, 14-21, and 24-29.

**STATUS OF AMENDMENTS (§ 41.37(c)(1)(iv)):**

Appellants filed no amendments subsequent to the Final Office Action.

**SUMMARY OF CLAIMED SUBJECT MATTER (§ 41.37(c)(1)(v)):**

The independent claims involved in the present appeal relate, in general, to systems, methods, or software for transforming custom-content-generation "tags." Within the context of the present application, "tags" refer to computer code, for example as is used for generating web-page content. The present invention has particular application with the use of JavaServer Page (JSP) tags, which include JSP standard tags and JSP custom tags. Specification, p. 2, l. 18 – p. 3, l. 2. JSP standard tags are tags that are defined by JSP specification, while JSP custom tags are tags created by developers to replace a block of JAVA code. *Id.* at p. 3, ll. 1-9. However, not all versions of JSP support the use of JSP custom tags. *Id.* at ll. 9-11; p. 4, ll. 15-24. The present invention provides a solution that allows for the use of JSP custom tags where the JSP version in use does not support custom content tags. *Id.* at p. 4, ll. 25-29.

An exemplary system is shown in Fig. 1. In this example, the system 10 includes a computer 14 coupled to a web server 20 via a network 16 (e.g., the Internet). *Id.* at p. 7, ll.

15-21. Information from the web server 20 is communicated to a user of the computer 14 via a web browser 12 (e.g., Microsoft's "Internet Explorer" or the like). *Id.* at ll. 1-14. Thus, the server 20 constitutes an example of a means for communicating output to a web browser.

Still referring to Figure 1, the web server 20 is coupled to a database 26 that stores files 24. *Id.* at ll. 22-24. The web server 20 can receive a request 18 from the web browser 12 indicating a desire to receive a file 24. *Id.* at ll. 20-22. Thus, the server 20 constitutes an example of a means for receiving a request from a web browser. The file 24 can be a Java Server Page (JSP) file that includes HTML and/or XML coding for formatting web-page content and JSP tags for generating web-page content. *Id.* at p. 7, l. 25 – p. 8, l. 2. There are two types of JSP tags that may be included in the JSP file: JSP standard tags and JSP custom content generation tags. *Id.* at ll. 22-23.

When the web server 20 receives the request 18 for a JSP file 24, the web server 20 loads the JSP file 24 to a JSP engine 28. *Id.* at ll. 4-6. The JSP engine 28 is responsible for interpreting the JSP standard tags in the JSP file 24 and converting them into code that the web browser 12 can understand. *Id.* at ll. 9-21. However, in this example the JSP engine 28 is such that it is not capable of interpreting the second type of JSP tags—the JSP custom content tags. *Id.* at ll. 28-29. For example, some early versions of JSP (e.g., JSP v1.0) do not support the use of JSP custom content tags. *Id.* at p. 11, ll. 4-6. Therefore, a transformation engine 34 is provided for interpreting the JSP custom content tags in the JSP file 24 and converting them into coding that the web browser 12 can understand. *Id.* at p. 8, ll. 29-31. Also, note that the JSP engine 28 constitutes an example of a means for processing a file by transforming standard content; also, the JSP engine 28 is unable to interpret the custom content generation tags.

An example of a JSP file 24 is shown in Figure 2. Item 54 is an example of a JSP standard tag. *Id.* at p. 9, ll. 8-9. Item 62 is an example of a JSP custom tag. *Id.* at ll. 31-32. Item 64 is an example of HTML code. *Id.* at ll. 10-12.

The transformation engine 34 can be an Extensible Stylesheet Language Transformation (XSLT) engine that uses Extensible Stylesheet Language (XSL) for

transforming custom tags 62 in a file 24. *Id.* at p. 11, ll. 22-29. An example of an XSL stylesheet 36 is shown in Figure 4. The XSL style sheet 36 is essentially a set of instructions for transforming custom tags 62 of the JSP file 24. *Id.* at p. 12, ll. 1-3. The transformation engine 34 follows the instructions in the style sheet 36 in order to transform the custom tag 62 into HTML code or the like. *Id.* at p. 13, ll. 1-9. Figure 5 shows an example of HTML code 80 that may be produced as a result of the transformation engine 34 transforming the custom tag 62 based on the style sheet 36. Note that the transformation engine 34 constitutes an example of a means for transforming custom content generation tags into output that a web browser is able to interpret.

Figure 6 is a flowchart illustrating steps in a method of providing web pages that include custom tags 62 to a web browser 12 using a JSP engine 28 that is unable to process custom tags 62. *Id.* at p. 14, ll. 11-13. The steps include step 136, where the server 20 receives a request 18 from web browser 12 for a file 24. *Id.* at ll. 18-19. Next, at step 138 the file 24 is loaded to JSP engine 28 to process the file and create HTML or the like. *Id.* at ll. 19-21. In this embodiment, the JSP engine 28 is unable to process custom tags 62. *Id.* Instead, the JSP engine 28 creates an output containing HTML or the like as well as unprocessed custom tags 62. *Id.* at ll. 21-28. The output of the JSP engine 28 can also include a header or other indicator for indicating that the output includes unprocessed custom tags. *Id.* at ll. 28-31.

At step 140, the output of the JSP engine 28 is communicated to the web server 20. *Id.* at p. 15, ll. 1-2. Based on the header or other indication of unprocessed custom tags 62, the server 20 redirects the output from the JSP engine 28 to the transformation engine 34 at step 142. *Id.* at ll. 2-5. Next, at step 144 the transformation engine 34 transforms the custom tags 62 into HTML or the like. *Id.* at ll. 6-13. The transformation engine 34 then communicates the results to the web server 20 at step 146, which in turn communicates the information to the web browser 12 at step 148. *Id.* at ll. 13-17.

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL (§ 41.37(c)(1)(vi)):**

Issue: Whether claims 1, 4-11, 14-21, and 24-29 are patentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,675,354 to Claussen et al. ("Claussen") in view of U.S. Patent No. 6,535,896 to Britton et al. ("Britton").



**ARGUMENT (§ 41.37(c)(1)(vii)):**

Claims 1, 4-11, 14-21, and 24-29 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,675,354 to Claussen et al. ("Claussen") in view of U.S. Patent No. 6,535,896 to Britton et al. ("Britton"). This rejection is respectfully traversed. As discussed below, the proposed combination of Claussen and Britton fails to teach all of the limitations of claims 1, 4-11, 14-21, and 24-29. As also discussed below, the Examiner has failed to show proper motivation or suggestion to combine Claussen and Britton as proposed.

**The Combined References Fail to Teach All Claim Limitations**

The Manual of Patent Examining Procedure ("MPEP") sets forth criteria for establishing a *prima facie* case of obviousness. One of the basic criteria is that the combined references must teach or suggest all of the claim limitations. MPEP § 2143 (8th Ed., Revised October 2005). However, here this criteria is not met.

**Independent Claims 1, 11, 21, and 29**

For example, with respect to claim 1, this claim recites in part:

a web page processing engine operable to ... transform the standard content generation tags into first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags;  
the web page processing engine further operable to communicate the first output and the custom content generation tags to the web server;

Claussen and Britton both fail to disclose, teach, or suggest a web page processing engine that is able to transform standard content generation tags, but unable to interpret custom content generation tags.

The Examiner concedes that Claussen fails to teach these limitations. Office Action, p. 6, ll. 6-11 (17 June 2005).

Instead, the Examiner relies on Britton for these limitations. However, Appellants maintain that Britton does not disclose, teach, or suggest a web page processing engine

that is able to transform standard content generation tags, but unable to interpret custom content generation tags. In fact, Britton does not even disclose the use of custom content generation tags. While the Examiner has cited Figure 1 and col. 6, line 7 – col. 7, line 35, a review of these portions of Britton has revealed no disclosure relating to custom tags, and the Examiner has provided no concise explanation as to how these portions of Britton are considered to disclose custom tags. Since Britton fails to disclose the use of custom content generation tags, it naturally follows that Britton does not disclose communicating a first output (transformed standard content generation tags) along with custom content generation tags back to a web server.

Thus, contrary to the Examiner's assertion, Britton fails to disclose, teach, or suggest a web page processing engine that is able to transform standard content generation tags, but unable to interpret custom content generation tags. Accordingly, even if Britton were combined with Claussen as proposed by the Examiner, since both of these references fail to disclose or suggest the web page processing engine of claim 1, the resulting combination would fail to disclose the web page processing engine of claim 1 as well. Therefore, the proposed combination of Claussen and Britton fails to render obvious claim 1, or claims 4-10 which depend from claim 1.

Independent claims 11, 21, and 29 recite limitations similar to those discussed above in connection with claim 1. Accordingly, claims 11, 21, and 29, as well as their dependent claims, cannot be rendered obvious by the proposed combination of Claussen and Britton for at least the same reasons discussed above in connection with claim 1.

#### Dependent Claims 5, 15, and 24

Claims 5, 15, and 24 are further considered allowable because the proposed combination of Claussen and Britton fails to disclose, teach, or suggest that “the custom content generation tags comprise JSP custom tags” and that “the web page processing engine comprises a JSP engine unable to process the JSP custom tags.” First, contrary to the Examiner's arguments, Claussen does not disclose JSP custom tags. Instead, Claussen refers to XML custom tags. In fact, Claussen teaches that JSP does not have custom tags. Claussen, col. 2, lines 35-38 and col. 7, lines 36-45. As described in the

present Application, JSP 1.0 does not provide for custom tags, while JSP 1.1 does. Specification, Page 4, line 14 - Page 5, line 11. Therefore, Claussen's references to JSP not having custom tags may be referring to JSP 1.0. Furthermore, contrary to the Examiner's arguments, Britton does not disclose a web page processing engine comprising a JSP engine that is unable to process the JSP custom tags. Britton does not even mention JSP, so it certainly does not disclose a JSP engine unable to process the JSP custom tags. Therefore, for at least this additional reason, Appellant maintains that claims 5, 15 and 24 are in condition for allowance.

#### Dependent Claims 7 and 17

Claims 7 and 17 are further considered allowable because the proposed combination of Claussen and Britton fails to disclose, teach, or suggest that "the web page processing engine is operable to attach a header to the custom content generation tags, the header indicating the presence of the custom content generation tags" and that "the web server is operable to communicate the custom content generation tags to the transformation engine in response to the header." The Examiner states that Britton discloses these limitations. However, Britton does not disclose attaching a header to a custom content generation tag (since it doesn't disclose such tags) and it also does not disclose that such a header indicates the presence of a custom content generation tag (since Britton only discloses masking portions of code, not that any specific type of code is identified). Furthermore, the masking disclosed in Britton certainly does not cause a web server to communicate the masked content based on the "masking", unlike the headers recited in claims 7 and 17. Therefore, for at least this additional reason, Appellant maintains that claims 7 and 17 are in condition for allowance.

#### There is No Motivation or Suggestion to Combine Claussen and Britton

The MPEP sets forth a strict legal standard for finding obviousness based on a combination of references. According to the MPEP, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge [that was] generally

available to one of ordinary skill in the art" at the time of the invention. MPEP 2143.01. The "fact that references can be combined or modified does not render the resultant combination [or modification] obvious unless the prior art also suggests the desirability of the combination" or modification. *Id.* (emphasis in original).

In the present case, the Examiner is improperly using the Appellant's disclosure as a blueprint for piecing together various elements of Claussen and Britton. For example, the Examiner merely asserts that it would have been obvious to combine the teachings of Claussen and Britton to teach the elements recited in claim 1 because it would "provide an efficient communications system that can modify and format web page content for various types of pervasive computing devices." Advisory Action, page 2 (14 October 2005). However, the Examiner has not provided any actual evidence of a suggestion, teaching, or motivation to make the proposed combination.

Nothing in Claussen teaches the need to use one engine to transform standard content generation tags and a second engine to transform custom content generation tags, as recited in amended claim 1. Claussen discloses a single "page handling mechanism" for processing all types of tags. Furthermore, Britton does not even disclose the use of standard versus custom content generation tags. Thus, the suggestion or motivation required by MPEP § 2143.01 for the proposed combination of Claussen and Britton does not exist, and the Examiner has not identified the source of such suggestion or motivation. Consequently, a prima facie case of obviousness cannot be maintained with respect to Claims 1, 4-11, 14-21, and 24-29, as the Examiner has not shown the requisite proof necessary to establish a suggestion or motivation to combine the cited references. For at least this reason, Appellant maintains that the Examiner has failed to establish a prima facie case of obviousness.

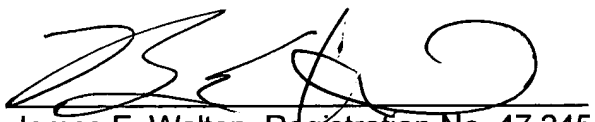
**CONCLUSION:**

Accordingly, for at least the reasons discussed above, claims 1, 4-11, 14-21, and 24-29 cannot be rendered obvious by the proposed combination of Claussen and Britton. For at least these reasons, Appellant respectfully requests reversal of the Examiner's rejection of claims 1, 4-11, 14-21, and 24-29 and request allowance of claims 1, 4-11, 14-21, and 24-29.

**Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.**

Respectfully submitted,

19 Dec 2005  
Date

  
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## **APPENDIX A - CLAIMS APPENDIX**

**(37 C.F.R. § 41.37(c)(1)(viii))**

1. **(Previously Presented)** A system for transforming custom content generation tags, comprising:

a web server operable to receive a request from a web browser, the request identifying a file comprising one or more standard content generation tags and one or more custom content generation tags, both of which the web browser is unable to interpret;

a web page processing engine operable to receive the standard content generation tags and the custom content generation tags and to transform the standard content generation tags into first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags;

the web page processing engine further operable to communicate the first output and the custom content generation tags to the web server;

a transformation engine operable to receive the custom content generation tags, transform the custom content generation tags into second output that the web browser is able to interpret, and communicate the second output to the web server; and

the web server further operable to receive the second output and to communicate the first and second output to the web browser in response to the request.

2. **(Cancelled)**

3. **(Cancelled)**

4. **(Previously Presented)** The system of Claim 1, wherein:

the web server is operable to communicate the first output to the transformation engine with the custom content generation tags; and

the transformation engine is operable to communicate the first output back to the web server with the second output.

5. **(Previously Presented)** The system of Claim 1, wherein:  
the requested file comprises a JAVASERVER PAGE (JSP) file;  
the standard content generation tags comprise JSP standard tags;  
the custom content generation tags comprise JSP custom tags; and  
the web page processing engine comprises a JSP engine unable to process the JSP custom tags.

6. **(Previously Presented)** The system of Claim 1, wherein the first and second output comprises code selected from the group consisting of HyperText Markup Language (HTML) code, Extensible Markup Language (XML) code, and Wireless Markup Language (WML) code.

7. **(Previously Presented)** The system of Claim 1, wherein:  
the web page processing engine is operable to attach a header to the custom content generation tags, the header indicating the presence of the custom content generation tags; and  
the web server is operable to communicate the custom content generation tags to the transformation engine in response to the header.

8. **(Original)** The system of Claim 1, wherein the transformation engine comprises an Extensible Stylesheet Language Transformation (XSLT) engine, the XSLT engine operable to transform the custom content generation tags using an Extensible Stylesheet Language (XSL) stylesheet.

9. **(Original)** The system of Claim 8, wherein the XSL stylesheet comprises one or more templates corresponding to each custom content generation tag, the templates comprising HTML code to replace the corresponding custom content generation tag.

10. **(Original)** The system of Claim 9, wherein one or more of the templates comprise code operable to generate HTML code to replace the corresponding custom content generation tag.

11. **(Previously Presented)** A method for transforming custom content generation tags, comprising:

receiving a request from a web browser for a file comprising one or more standard content generation tags and one or more custom content generation tags, both of which the web browser is unable to interpret;

processing the file using a web page processing engine to transform the standard content generation tags into first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags;

transforming the custom content generation tags using a transformation engine into second output that the web browser is able to interpret; and

communicating the first and second output to the web browser in response to the request.

12. **(Cancelled)**

13. **(Cancelled)**

14. **(Previously Presented)** The method of Claim 11, further comprising communicating the first output to the transformation engine with the custom content generation tags, the first output being unaffected by the transformation engine.

15. **(Previously Presented)** The method of Claim 11, wherein:  
the requested file comprises a JAVASERVER PAGE (JSP) file;  
the standard content generation tags comprise JSP standard tags;  
the custom content generation tags comprise JSP custom tags; and  
the web page processing engine comprises a JSP engine unable to process the JSP custom tags.

16. **(Previously Presented)** The method of Claim 11, wherein the first and second output comprises code selected from the group consisting of HyperText Markup Language (HTML) code, Extensible Markup Language (XML) code, and Wireless Markup Language (WML) code.



17. **(Previously Presented)** The method of Claim 11, wherein:  
the method further comprises attaching a header to the custom content generation tags, the header indicating the presence of custom content generation tags; and  
the custom content generation tags are communicated to the transformation engine in response to the header.

18. **(Original)** The method of Claim 11, wherein the transformation engine comprises an Extensible Stylesheet Language Transformation (XSLT) engine, the XSLT engine operable to transform the custom content generation tags using an Extensible Stylesheet Language (XSL) stylesheet.

19. **(Original)** The method of Claim 18, wherein the XSL stylesheet comprises one or more templates corresponding to each custom content generation tag, the templates comprising HTML code to replace the corresponding custom content generation tag.

20. **(Original)** The method of Claim 19, wherein one or more of the templates comprise code operable to generate HTML code to replace the corresponding custom content generation tag.

21. **(Previously Presented)** Custom tag transformation software embodied in a computer-readable medium and operable to:

receive a request from a web browser for a file comprising one or more standard content generation tags and one or more custom content generation tags, both of which the web browser is unable to interpret;

process the file using a web page processing engine to transform the standard content generation tags into first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags;

transform the custom content generation tags into second output that the web browser is able to interpret; and

communicate the first and second output to the web browser in response to the request.

22. **(Cancelled)**
23. **(Cancelled)**
24. **(Previously Presented)** The software of Claim 21, wherein:  
the requested file comprises a JAVASERVER PAGES (JSP) file;  
the standard content generation tags comprise JSP standard tags;  
the custom content generation tags comprise JSP custom tags; and  
the web page processing engine comprises a JSP engine unable to process the  
JSP custom tags.
25. **(Previously Presented)** The software of Claim 21, wherein the first and  
second output comprises code selected from the group consisting of HyperText Markup  
Language (HTML) code, Extensible Markup Language (XML) code, and Wireless Markup  
Language (WML) code.
26. **(Original)** The software of Claim 21, further operable to transform the  
custom content generation tags using an Extensible Stylesheet Language (XSL)  
stylesheet.
27. **(Original)** The software of Claim 26, wherein the XSL stylesheet comprises  
one or more templates corresponding to each custom content generation tag, the  
templates comprising HTML code to replace the corresponding custom content generation  
tag.
28. **(Original)** The software of Claim 27, wherein one or more of the templates  
comprise code operable to generate HTML code to replace the corresponding custom  
content generation tag.
29. **(Previously Presented)** A system for transforming custom content  
generation tags, comprising:  
means for receiving a request from a web browser for a file comprising one or more

standard content generation tags and one or more custom content generation tags, both of which the web browser is unable to interpret;

means for processing the file by transforming the standard content generation tags into first output that the web browser is able to interpret, the means for processing unable to interpret the custom content generation tags;

means for transforming the custom content generation tags into second output that the web browser is able to interpret; and

means for communicating the first and second output to the web browser in response to the request.

30. **(Cancelled)**



**APPENDIX B - EVIDENCE APPENDIX**

**(37 C.F.R. § 41.37(c)(1)(ix))**

No evidence is being submitted under 37 C.F.R. §§ 1.130, 1.131, or 1.132.



**APPENDIX C - RELATED PROCEEDINGS APPENDIX**

**(37 C.F.R. § 41.37(c)(1)(x))**

There are no known appeals, interferences, or judicial proceedings that are related to or that will directly affect, be directly affected by, or have a bearing on the Board's decision regarding this Appeal. Accordingly, no decisions on related appeals are being submitted.